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Date:

May 21, 2002

By:

Vanessa James

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Lau, et al.

SERIAL NO.: 09/660,468

FILED: September 12, 2000

FOR: CYTOKINE COMPOSITION AND METHOD  
OF ITS PRODUCTION

EXAMINER: Romeo

ART UNIT: 1646

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Response to Office CommunicationAssistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In the Office communication mailed on April 22, 2002, the Examiner indicates that the Reply filed on 01/30/02 (Paper No. 7) is not fully responsive to the prior Office Action. The Examiner asserts that Applicants' election of "the composition claims 1-10" is not a proper election because it does not correspond to a single invention set forth in the prior Office action.

In response, Applicants elect the invention CXCLX which drawn to a composition comprising IFN- $\alpha$  and IFN- $\beta$ , classified in class 530, subclass 350 (p. 24 of Office action dated Dec. 17, 2001).

In addition, Applicants would like to bring to the attention of the Examiner that Applicants had requested the cancellation of claims 3-8 in the Reply filed on 01/30/02. The cancellation was not highlighted in the Amendment section but was discussed in the Remark section. After entry of the amendments, claims 1-2, 25-29 are pending and under consideration.

No fees are believed due with this communication. However, the Commissioner is hereby authorized and requested to charge any deficiency in fees herein to Deposit Account No. 50-2207.

Respectfully submitted,

C. Amy Ng Smith  
Registration No. 42,931

Date:

May 21, 2002Correspondence Address:

Customer No. 22918

Phone: (650) 838-4300



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Attorney Docket No. 54099-8002.US01

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C., 20231, on:

Date: May 21, 2002

By: Vanessa Sanchez

Applicant: Allan, *et al.*  
Application No.: 09/660,468  
Confirmation No.: 6858  
Filed: September 12, 2000  
For: CYTOKINE COMPOSITION AND METHOD OF ITS  
PRODUCTION

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

1. Transmitted herewith are the following:

☒ A response to an Office Communication

2. Entity Status

☒ Small Entity Status (37 CFR 1.9 and 1.27) has been established by a previously submitted Small Entity Statement.

3. Conditional Petition for Extension of Time:

An Extension of Time is requested to provide for timely filing if necessary for timely filing of this transmittal and enclosures.

4. Provisional Fee Authorization

Please charge any underpayment in fees for timely filing of this transmittal and enclosures to Deposit Account No. 50-227.

Respectfully submitted,  
Perkins Coie LLP

Date: May 21, 2002

C. Amy Ng Smith  
C. Amy Ng Smith  
Registration No. 42,931

Correspondence Address:

Customer No. 22918

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